

UNITED STATES DISTRICT COURT
for the
Central District of California

In the Matter of the Search of)
(Briefly describe the property to be searched or identify the)
person by name and address)) Case No. 2:23-MJ-00198
The Person of Mark Allen Barger)
)
)
)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Central District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 39A	Aiming a laser pointer at an aircraft

The application is based on these facts:

See attached Affidavit

Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days: _____*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Daniel Dales

Applicant's signature

FBI Special Agent Daniel Dales

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: _____

Judge's signature

City and state: Los Angeles, CA

Hon. Paul L. Abrams

Printed name and title

AUSA: Suria Bahadue (x5487)

ATTACHMENT A-1

PREMISES TO BE SEARCHED

The SUBJECT RESIDENCE is the home located at 1600 East Silva Street, Long Beach, California 90807. The SUBJECT RESIDENCE is a single-story house with an attached garage, and is depicted in the photograph below. The SUBJECT RESIDENCE has tan stucco, a light brown and black roof, and dark brown front door and garage door. The numbers "1600" are displayed on a wood feature just to the right of the front door.

The SUBJECT RESIDENCE includes all guesthouses, annexes, attics, porches, garages, carports, outside yard (including all sheds or storage space), mailboxes, trash containers, debris boxes, and all vehicles, whether parked in the garage or driveway of the SUBJECT RESIDENCE.



ATTACHMENT A-2

PERSON TO BE SEARCHED

The person of MARK ALLEN BARGER, date of birth January 28, 1976, approximately 6'1" tall and approximately 190 pounds, with green eyes and blonde hair. The search of MARK ALLEN BARGER shall include any items on his person or within his immediate vicinity and control that are capable of containing items to be seized, including clothing pockets, containers, briefcases, backpacks, boxes, wallets, capsules, tubes, and purses.

ATTACHMENT A-3

VEHICLE TO BE SEARCHED

The SUBJECT VEHICLE is a black 2013 Dodge Ram bearing California license plate number MUSBKOZ and Vehicle Identification Number 1D7HA18D23S327298. The SUBJECT VEHICLE is registered to Barbara Barger or Steven Kozdrey of 1600 East Silva Street, Long Beach, California. Barbara Barger is BARGER's mother, and Steven Kozdrey is BARGER's step-father.



ATTACHMENT B

I. ITEMS TO BE SEIZED

1. The items to be seized are evidence, contraband, fruits, or instrumentalities of violations of 18 U.S.C. § 39A (aiming a laser pointer at an aircraft) (the "SUBJECT OFFENSE"), namely:

a. Any laser of any color, any light-emitting device powerful enough to interfere with aircraft in flight, or any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object;

b. Any evidence of the purchase, receipts, packaging, capabilities, range, operation, warnings, and guidance for use of any laser, light-emitting device powerful enough to interfere with aircraft in flight, or any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object;

c. Any evidence of law enforcement operations including radio or other similar devices used to scan, track, or monitor government, private, or commercial aircraft movements, radio channels, air support, operations, schedules, and capabilities, or electronic devices used to scan, track, or monitor law enforcement;

d. Any evidence of agreement, planning, or preparation to destroy, distract, or otherwise disrupt aircraft with use of a laser, light-emitting device powerful enough to interfere with aircraft in flight, or any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object;

e. Any evidence concerning shining lasers at aircraft including, but not limited to, Federal Aviation Administration regulations and warnings regarding dangers of shining lasers or light-emitting devices at aircraft;

f. Records, documents, programs, applications or materials, or evidence of the absence of the same, related to lasers, light-emitting devices powerful to interfere with aircraft or to effectuate the above-named violation, or any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object;

g. Audio recordings, pictures, video recordings, or still captured images related to lasers, light-emitting devices powerful to interfere with aircraft or to effectuate the above-named violation, or any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or

highlighter to indicate, mark, or identify a specific position, place, item, or object; and

- h. Contents of any calendar or date book.

AFFIDAVIT

I, Daniel Dales, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of applications for warrants to search 1600 East Silva Street, Long Beach, California 90807 (the "SUBJECT RESIDENCE"), as described more fully in Attachment A-1, the person of Mark Allen Barger ("BARGER"), as described more fully in Attachment A-2, and a black 2003 Dodge Ram bearing California license plate MUSBKOZ and vehicle identification number 1D7HA18D23S327298 (the "SUBJECT VEHICLE"), as described more fully in Attachment A-3.

2. The requested search warrants seek authorization to seize evidence, fruits, or instrumentalities of violations of 18 U.S.C. § 39A (aiming a laser pointer at an aircraft) (the "SUBJECT OFFENSE"). Attachments A-1, A-2, A-3, and B are incorporated herein by reference.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only, and all dates and times are on or about those indicated.

II. INTRODUCTION

4. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since July 2017. I am currently assigned to the Los Angeles Field Office's Long Beach Resident Agency Joint Terrorism Task Force. As a Special Agent, I have received both formal and informal training from the FBI regarding domestic and foreign terrorism investigations. My duties on the Task Force include investigating violations of the laws of the United States including those that threaten aviation security. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. In my role, I have also participated in the execution of multiple search and arrest warrants, including warrants executed at physical residences in cases involving subjects who threaten aviation security.

III. SUMMARY OF PROBABLE CAUSE

5. Between January 2022 and January 2023, the Long Beach Police Department ("LBDP") has received approximately 39 calls from aircraft reporting laser strikes, or "laser intrusions." Of those calls, approximately 21 concern a laser emanating from the area surrounding the SUBJECT RESIDENCE.

6. In December 2022 and January 2023, LBPD detectives conducted physical surveillance at the SUBJECT RESIDENCE and saw a male -- later identified as BARGER who is on state parole and subject to search conditions -- at and around the SUBJECT RESIDENCE when the laser strikes occurred. On December 22, 2022,

for example, LBPD detectives saw three green strikes come from the sidewalk adjacent to the SUBJECT RESIDENCE and then saw BARGER walk from the same area, open the rear cover of the SUBJECT VEHICLE, and walk in the direction of the front door of the SUBJECT RESIDENCE. On another occasion on January 12, 2023, a LBPD detective captured on his body-worn camera a green laser emanating from BARGER's backyard.

IV. STATEMENT OF PROBABLE CAUSE

7. Based on my review of law enforcement reports, surveillance videos, conversations with law enforcement, and my personal involvement with the investigation, I am aware of the following.

A. From January 2022 Through Today, a Green Laser Emanating from the SUBJECT RESIDENCE and Surrounding Area Has Hit Commercial, Private, and Government Aircrafts

8. Based on my review of law enforcement reports and conversations with law enforcement, beginning no later than January 2022 and continuing through to present day, LBPD has identified nearly 40 occasions where a green laser has struck commercial, private, and government aircrafts.

9. Specifically, LBPD received approximately 39 reports of laser strikes for the 2022 calendar year. LBPD's review of the pilots' reports from those incidents indicated that 21 of them involved a green laser that emanated from the SUBJECT RESIDENCE or the general area of the SUBJECT RESIDENCE.

10. Based on the reporting, in December 2022 and January 2023, LBPD detectives reviewed surveillance footage and

conducted physical surveillance to identify the suspect aiming the laser at aircraft, as explained further below:

1. On December 14, 2022, a Green Laser Emanating from the Area of the SUBJECT RESIDENCE Strikes LBPD Aircraft

11. Based on my review of law enforcement reports and conversations with law enforcement, a green laser emanating from the area of the SUBJECT RESIDENCE struck LBPD's Air Support Unit helicopter (the "FOX2"), on December 14, 2022, at approximately 10:33 p.m. and again, at approximately 10:52 p.m.

12. Based on my review of the surveillance footage, each laser strike originated from the SUBJECT RESIDENCE. I captured the below still shot from FOX2's surveillance camera.



Figure 1: Still photo of green laser strike emanating from the area of the SUBJECT RESIDENCE at 10:52 p.m.

13. I also conducted physical surveillance of the SUBJECT RESIDENCE and the surrounding homes on January 13, 2023. During my physical surveillance, I saw a blue, second-story home

approximately five houses east of the SUBJECT RESIDENCE. This was the only second-story home on Silva Street -- the same street as the SUBJECT RESIDENCE. Using the blue, second-story home as a landmark, I then compared my in-person observations to FOX2's surveillance footage. The red arrow above points to the same blue, second-story residence, and it is roughly the same distance away from the SUBJECT RESIDENCE from which the green laser is being shined.

14. Based on my review of the security footage and in-person visit to the SUBJECT RESIDENCE and surrounding area, I believe that based on the distance between the blue, second-story home and the green laser beam, the source of the laser strike is at or adjacent to the SUBJECT RESIDENCE.

2. On December 22, 2022, BARGER is Seen After and During Reports of a Green Laser Strike on LBPD Aircraft from the SUBJECT RESIDENCE

15. Based on my review of law enforcement reports and conversations with law enforcement officers, after the December 14, 2022, laser strikes, a LBPD detective set up physical surveillance in the general area of the SUBJECT RESIDENCE on December 22, 2022, beginning at approximately 10:00 p.m. The following occurred:

a. During the surveillance, the detective communicated with FOX2, which was in flight for routine patrol duties.

b. At approximately 11:30 p.m., the detective observed three short bursts of a green laser, directed at FOX2, from the south sidewalk in the area of the SUBJECT RESIDENCE.

c. The detective radioed the laser strike to FOX2; however, the flight crew did not see the laser because FOX2 was flying away from the area, and the laser was shined towards the rear of the aircraft.

d. Immediately after seeing the green laser emanating from the south sidewalk, the detective saw a larger male silhouette wearing a beanie cap standing in the area where the laser originated.

e. The detective then saw the male access the SUBJECT VEHICLE in the driveway of the SUBJECT RESIDENCE and walk in the direction of the front door of the SUBJECT RESIDENCE.

f. The detective then drove around the block to obtain the address for the SUBJECT RESIDENCE and to get a better view of the male suspect seen walking from the south sidewalk.

g. While the detective was driving around the block, at approximately 11:51 p.m., FOX2 radioed that they were struck multiple times with a laser. The detective did not observe the laser from the ground, but as the detective drove back to the area of the SUBJECT RESIDENCE, he saw the same larger male with a beanie cap sitting on the front porch of the SUBJECT RESIDENCE. The detective then used his binoculars and saw the suspect's face.

h. The detective reported that there were no other individuals in the area of the SUBJECT RESIDENCE at that time.

i. The detective also obtained a license plate of MUSBKOZ on a black Dodge Ram truck, the SUBJECT VEHICLE, in the

driveway of the SUBJECT RESIDENCE and the license plate of 3MDB61 of a burgundy Lincoln in the same driveway (the "Lincoln"), and then left the area.

j. Later that evening, the detective spoke with the primary pilot for the FOX2, who is called the "Pilot in Command. He reported the second laser strike and explained that the laser entered their cockpit and was so bright that it caused him to look away from his instrument panel. The Tactical Flight Officer, who was also in the cockpit of the helicopter, also reported that he looked away to shield his eyes, which interfered with his police duties and ability to control the helicopter if needed.

3. On January 1, 2023, a Green Laser Struck FOX2 Multiple Times from the Area of the SUBJECT RESIDENCE

16. Based on my review of law enforcement reports and conversations with law enforcement, on January 1, 2023 at approximately 10:59 p.m., a green laser struck the FOX2 approximately five times from the area of the SUBJECT RESIDENCE. During the five strikes, the cockpit was hit two to three times, causing both the Pilot in Command and the Tactical Flight Officer to look away from their instrument panels to shield their eyes from the laser.

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Figure 2: Still photo of green laser strike emanating from the area of the SUBJECT RESIDENCE at 10:59 p.m.



Figure 3: Still photo of the SUBJECT RESIDENCE, which was identified as the source of the laser in Figure 2

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Figure 4: Still photo of green laser strike emanating from the area of the SUBJECT RESIDENCE approximately 12 minutes after the strike depicted in Figure 2.

4. On January 8, 2023, a Green Laser Struck FOX2 Multiple Times from the Area of the SUBJECT RESIDENCE

17. Based on my review of law enforcement reports and conversations with law enforcement, on January 8, 2023 at approximately 10:07 p.m., FOX2 reported multiple strikes from a green laser from the area of the SUBJECT RESIDENCE. FOX2 was en-route to assist officers on the ground in a pursuit of an armed carjacking suspect. Based on the laser strikes, FOX2 changed course, as the Pilot in Command and Tactical Flight Officer again had to look away from the aircraft controls. Despite trying to shield his eyes, the Tactical Flight Officer was struck with the green laser in his eye causing temporary blurred vision.

18. Based on my review of law enforcement reports and conversations with law enforcement, on January 8, 2023 at

approximately 11:13 p.m., FOX2 reported being hit a second time from the area of the SUBJECT RESIDENCE.

5. On January 10, 2023, BARGER Was Seen Scanning the Sky for Aircraft

19. Based on my review of law enforcement reports and conversations with law enforcement officers, on January 10, 2023, LBPD detectives set up physical surveillance in the general area of the SUBJECT RESIDENCE from approximately 5:00 p.m. to 9:30 p.m. The following occurred:

a. Detectives set up surveillance with a clear and unobstructed view of the front of the SUBJECT RESIDENCE.

b. While watching the front of the SUBJECT RESIDENCE, detectives saw the same larger male who they recognized from December 22, 2022, and who they had already identified to be BARGER using department resources, as noted below.

c. Detectives saw BARGER walk out the front door of the SUBJECT RESIDENCE four times. Each time, BARGER immediately scanned to the east in the direction of the airport as if he was scanning the sky for aircraft.

d. On one occasion when detectives could hear aircraft in the vicinity of the SUBJECT RESIDENCE, BARGER walked out of the SUBJECT RESIDENCE and scanned the entire sky, appearing to be looking for aircraft.

e. Detectives ended their surveillance at approximately at 11:30 p.m.

20. Based on my review of law enforcement reports and conversations with law enforcement officers, the next day on January 11, 2023, pilots of the FOX2 reported that on January 10, 2022, at approximately 11:38 p.m. -- minutes after LBPD detectives ended their physical surveillance of the SUBJECT RESIDENCE and while the aircraft was searching for victims in a flood control area -- a green laser struck the aircraft multiple times from the area of the SUBJECT RESIDENCE. The pilots had to divert direction of the aircraft and look away from the controls to shield their eyes.

21. On January 11, 2023, I, along with LBPD detectives, also set up physical surveillance at the SUBJECT RESIDENCE. Before we began our surveillance, a Los Angeles County Sheriff's helicopter reported that it was hit by a green laser from the area northwest of Cherry Street and Del Amo Boulevard, which is the neighborhood of the SUBJECT RESIDENCE. LBPD detectives and I did not see BARGER at the SUBJECT RESIDENCE after the laser strike was reported, and we ended our surveillance around 12:00 a.m.

6. On January 12, 2023, a Green Laser is Again Pointed at LBPD's Aircraft From the Backyard of the SUBJECT RESIDENCE

22. Based on my review of law enforcement reports and conversations with law enforcement officers, on January 12, 2023, LBPD detectives, including the same detective who saw BARGER's face with binoculars on December 22, 2022, set up physical surveillance in the general area of the SUBJECT

RESIDENCE beginning at approximately 5:00 p.m. The following occurred:

a. At approximately 7:16 p.m., detectives saw BARGER walk out the front door of the SUBJECT RESIDENCE, walk to the garage of the SUBJECT RESIDENCE, and open it up.

b. Detectives heard FOX2 overhead and saw BARGER watch the helicopter flying above. Detectives then saw BARGER raise his right arm in the air and extend his middle finger in the direction of FOX2.

c. At approximately 7:20 p.m., BARGER closed the garage and rode away on an electric scooter. BARGER returned at approximately 9:20 p.m. on the same electric scooter and put it back inside of the garage of SUBJECT RESIDENCE.

d. At approximately 9:43 p.m., FOX2 radioed detectives that the aircraft was flying over the Bixby Knolls neighborhood, southwest of the SUBJECT RESIDENCE, and was struck by a laser, which originated from the backyard of the SUBJECT RESIDENCE.

e. At approximately 9:48 p.m., detectives saw a laser originate from the backyard of the SUBJECT RESIDENCE, which FOX2 advised by radio they also observed. Detectives captured the laser strike on body-worn camera. A still shot of the laser is depicted below.



Figure 6: still photo of green laser strike captured on detective's body-worn camera emanating from the backyard of the SUBJECT RESIDENCE.

f. Two minutes later, at approximately 9:50 p.m., the front porch light of the SUBJECT RESIDENCE shut off, and BARGER stood out on the porch and watched FOX2 leave the area. BARGER then went back inside the SUBJECT RESIDENCE and turned the front porch light back on. Detectives could hear FOX2 in the distance and saw BARGER looking out of the window for the aircraft. After seeing BARGER in the window, detectives left the area.

B. BARGER Resides at the SUBJECT RESIDENCE

23. Based on my conversations with LBPD detectives, on December 23, 2022, using department resources, LBPD detectives identified BARGER as a resident of the SUBJECT RESIDENCE. Specifically, as noted above, on December 22, 2022, a LBPD detective saw the silhouette of a larger male wearing a beanie

cap coming from the same area where the detective saw three bursts of a green laser. The same LBPD detective then saw the same male with the large build and beanie cap, sitting on the front porch of the SUBJECT RESIDENCE. Using binoculars, the detective saw the suspect's face. As also noted above, on December 22, 2022, LBPD detectives obtained the address of the SUBJECT RESIDENCE and the license plates for the SUBJECT VEHICLE and the Lincoln.

24. The very next day, on December 23, 2022, the LBPD detective who conducted the surveillance, working with other detectives, ran the address of the SUBJECT RESIDENCE through a law enforcement database. The records listed two males as associated with the SUBJECT RESIDENCE: Steven Michael Kozdrey and BARGER. The detectives then ran those names through the California Department of Motor Vehicles ("DMV") database and found photographs for each male. The LBPD detective who conducted the surveillance on December 22, 2022, determined that Kozdrey was not the suspect because Kozdrey was in his seventies. The detective then reviewed the photograph for BARGER and positively identified him as the same suspect that the detective observed in and around the SUBJECT RESIDENCE after seeing three short bursts of a green laser on December 22, 2022. The detective also positively identified BARGER as the same suspect that he saw through his binoculars on December 22, 2022. BARGER was also reported to be approximately 6'1" tall and approximately 190 pounds, which matched the build of the suspect that the detectives saw during their surveillance operations.

Finally, while BARGER does not have a driver's license, his address on file with the DMV listed the SUBJECT RESIDENCE.

25. In addition, LBPD detectives ran the license plates obtained on December 22, 2022, through their databases. The records showed that Kozdrey and Barbara Barger are the registered owners of the SUBJECT VEHICLE, and Kozdrey is the registered owner of the Lincoln. Kozdrey and Barbara Barger are believed to be BARGER's step-father and mother, respectively.

26. LBPD also learned BARGER is on parole for a felony conviction for Arson in violation of California Penal Code Section 451(C), which ends on June 11, 2025. BARGER is subject to the following search condition: "You, your residence, and any property under your control are subject to search or seizure by a probation officer, an agent or officer of the California Department of Corrections and Rehabilitation, or any other peace officer, at any time of the day or night, with or without a search warrant, with or without cause." LBPD detectives contacted a state parole agent who also confirmed that BARGER lives at the SUBJECT RESIDENCE.

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V. CONCLUSION

27. For all the reasons described above, there is probable cause to believe that the items to be seized described in Attachment B will be found in a search of the SUBJECT RESIDENCE, the SUBJECT VEHICLE, and on the person of BARGER, as described in Attachments A-1 to A-3.

Attested to by the applicant in accordance with Fed. Crim. P. R. 4.1 by telephone on this ____ day of January 2023.

HONORABLE PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE